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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 PHILIP MOG,

12 Plaintiff,

13 v.

14 MICHAEL J. ASTRUE, Commission of
15 the Social Security Administration,

16 Defendant.

17 CASE NO. 11-cv-05343 RBL-JRC

18 REPORT AND RECOMMENDATION
19 ON STIPULATED MOTION FOR
20 REMAND

21 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28
22 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews,
23 Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on
24 Defendant's stipulated motion to remand the matter to the Commissioner for further
consideration. (ECF No. 20.)

25 After reviewing Defendant's stipulated motion and the relevant record, the undersigned
26 recommends that the Court grant Defendant's motion. The Court should REVERSE the
27 Commissioner's decision in regard to Plaintiff's applications for disability insurance benefits
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1 pursuant to Title II and Supplemental Security Income benefits pursuant to Title XVI of the
2 Social Security Act, and REMAND this matter to the Commissioner of Social Security for
3 further proceedings before an Administrative Law Judge (“ALJ”) pursuant to sentence four of 42
4 U.S.C. § 405(g).

5 On remand, the ALJ should update the treatment evidence on Plaintiff’s medical
6 condition; if warranted, obtain evidence from a medical expert to clarify the nature and severity
7 of Plaintiff’s impairment; reevaluate the medical opinions of record and explain the reasons for
8 the weight given to the medical opinion evidence; further consider Plaintiff’s residual functional
9 capacity on the updated record, citing specific evidence in support of the assessed limitations;
10 further consider whether or not Plaintiff had past relevant work he could have performed with
11 the limitations established by the evidence; as appropriate, secure supplemental evidence from a
12 vocational expert to clarify the effect of the assessed limitations on Plaintiff’s occupational base;
13 and evaluate the effect, if any, of Plaintiff’s subsequent application dated April 6, 2010, finding
14 Plaintiff disabled beginning February 27, 2010.

15 This Court recommends that the Commissioner’s decision be reversed pursuant to
16 sentence four of 42 U.S.C. §405(g), with a remand of the cause to the Commissioner for further
17 proceedings. See, Melkonyan v. Sullivan, 501 U.S. 89 (1991). This Court further recommends
18 that the ALJ take any other actions necessary to develop the record. In addition, Plaintiff should
19 be allowed to submit additional evidence and arguments to the ALJ on remand, as relevant to the
20 appropriate time frame.

21 Given the facts and the parties’ stipulation, the Court recommends that the District Judge
22 immediately approve this Report and Recommendation and order the case be **REVERSED** and
23 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

1 **JUDGMENT** should be for Plaintiff and the case should be **closed**.

2 Dated this 7th day of February, 2012.

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6 J. Richard Creatura
7 United States Magistrate Judge
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